## EXAMINER'S AMENDMENT

1.      An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with Steven Nichols on 7/1/2009.

        Claims 16, 21 and 26 of the application has been amended as proposed in the

Proposed Amendment received on 7/14/2009:

        Please see the attached proposed amendment.


### *Allowable Subject Matter*

2.      According to the Appeal Brief filed on 6/12/2009, the applicant argued for claim 1

that the reference of Stanwood does not teach packet metering. Rather, Stanwood is

directed exclusively to adapting uplink/downlink bandwidths to "actual bandwidth

requirements of the system". The adaptation of bandwidth taught by Stanwood is an

actual change in the amount of data being transmitted from or to a system. In contrast,

the packet metering recited in claim 1 is simply a technique to measure and filter data

traffic. Thus, a change in bandwidth as taught in Stanwood would not necessarily

change the metering of packets (see page 15, lines 1-15). The argument is considered

and is persuasive.

Further, the applicant also argued the reference of Stanwood did not disclose the feature wherein the addition of the fabric-adjusted meter modifier to the meter corresponding to the COS group results in an updated meter value. The argument is considered and is persuasive.

Claims 9, 15, 16 and 21 all have similar arguments.

Thus, claims 1, 3-6, 9, 11-16, 18, 19, 21-24 and 26 are allowed. The prior art failed to disclose the limitations of: determining a fabric-adjusted meter modifier depending on technology of a limiting uplink being used; and adding the fabric-adjusted meter modifier to a meter corresponding to the specific COS group, as recited in claims 1, 9 and 15.

The prior art also failed to disclose the features wherein the meter modifier function depends on a payload size of a packet and is used to adjust for technology of a fabric uplink in the telecommunication system, and adding the meter modifier function to a group meter implemented by a router in the telecommunication system, wherein said adding updates the group meter, as recited in claim 16.

The prior art also failed to disclose the features wherein the meter modifier functions are dependent upon a type of technology used in an uplink of the telecommunication system, and the meter modifier function to be added to meters to update the meters, as recited in claim 21.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAN YUEN whose telephone number is (571)270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kan Yuen/                                          /Ricky Ngo/
Examiner, Art Unit 2416                             Supervisory Patent Examiner, Art
                                                    Unit 2416

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